

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ESPERANZA CORRAL, et al.,

Plaintiffs,

v.

BANK OF AMERICA, N.A., et al.,

Defendants.

Case No. [16-cv-00964-EMC](#)

ORDER TO SHOW CAUSE

Docket Nos. 20, 23

Plaintiffs Esperanza Corral and Diana Balgas filed the instant suit against Defendants Bank of America, N.A., Countrywide Home Loans, Nationstar Mortgage LLC, Wells Fargo Bank, N.A., and J.P. Morgan Chase Bank, N.A. Docket No. 1. (Compl.) Plaintiffs assert that Defendants violated the Fair Housing Act, Equal Opportunity Credit Act, California Fair Employment and Housing Act, California Business and Professions Code § 17200 *et seq.*, and the California Unruh Civil Rights Act by “willfully denying them sustainable home mortgage loan modifications due to their being a female, same-sex couple of Latina descent.” *Id.* at ¶ 1; *see also id.* at ¶¶ 25-56. Plaintiffs also filed an action in state court predicated on similar factual allegations and asserting identical causes of action, and the Bank of America Defendants and Chase filed separate notices of removal. Case Nos. 16-cv-2215, 16-cv-2235. The three cases have since been consolidated. Docket No. 29.

Currently pending before the Court are four motions to dismiss. Docket Nos. 20 (Chase Motion to Dismiss), 23 (Bank of America Motion to Dismiss); Case No. 16-cv-2215, Docket No. 10 (Bank of America Motion to Dismiss); Case No. 16-cv-2235, Docket No. 6 (Chase Motion to Dismiss). Plaintiffs’ oppositions to the motion to dismiss were due on May 18, 2016 in the instant case and Case No. 16-cv-2215, and May 16, 2016 in Case No. 16-cv-2235. No opposition has


1 been filed in response to any of the motions to dismiss.

2 Accordingly, the Court hereby **VACATES** the June 21, 2016 hearing on Defendants' four
3 motions to dismiss. Plaintiffs are hereby ordered to show cause as to why their complaints should
4 not be dismissed, with prejudice, for failure to oppose and/or failure to prosecute. Plaintiffs shall
5 also address, in their response to this order to show cause, the substantive arguments raised by
6 Defendants in their respective motions.

7 **Plaintiffs' response shall be filed within two weeks of the date of this order.** Plaintiffs
8 are forewarned that a failure to timely file a response to this order to show cause shall result in
9 dismissal of their cases with prejudice.

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11 **IT IS SO ORDERED.**

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13 Dated: May 24, 2016

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15 EDWARD M. CHEN
16 United States District Judge
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